



**Minutes of the State Board of Health**  
**Department of Health Point Plaza East Building**  
**310 Israel Road SE ▪ Tumwater, WA 98501**  
Wednesday ▪ January 10, 2007 ▪ 9 a.m. to 4:30 p.m.

**SBOH members present:**

The Honorable Mike Shelton, Acting Chair  
The Honorable David Crump, PhD  
Frankie T. Manning, MN, RN  
Patricia Ortiz, MD

Mary Selecky  
Karen VanDusen  
Bill White

**SBOH members absent:**

Keith Higman

Mel Tonasket

**State Board of Health Staff present:**

Craig McLaughlin, Executive Director  
Desiree Robinson, Executive Assistant  
Heather Boe, Communications Consultant  
Christy Curwick, Health Policy Analyst

Laurie Fait, Administrative Assistant  
Wendy Janis, Health Policy Analyst  
Ned Therien, Health Policy Analyst  
Tara Wolff, Health Policy Analyst

**Guests and Other Participants:**

Anthony Anton, Restaurant Association  
Tony Barrett, State Environmental Health  
Directors  
Juli Coburn, Wyeth  
Darrell Cochran, Thurston County Social  
Services  
Keith Cunniff, Wyeth  
Michelle Davis, Department of Health  
Andy Fernando, Department of Health

Steven Fuller, Department of Health  
Jan Gee, Washington Food Industry  
Dave Gifford, Department of Health  
Joe Graham, Department of Health  
Todd Henry, Dept. of Social and Health  
Services  
Stan Jeppesen, State Board of Pharmacy  
Kathy O'Toole, WEA

The Honorable Mike Shelton, WSBOH Acting Chair, called the public meeting to order at 9:09 a.m. and read from a prepared statement (on file).

**1. APPROVAL OF AGENDA**

*Motion: Approve January 10, 2007 agenda*

*Motion/Second: Ortiz/Crump. Approved unanimously*

**2. ADOPTION OF DECEMBER 13, 2006 MEETING MINUTES**

*Motion: Approve the December 13, 2006 minutes*

*Motion/Second: Crump/Ortiz. Approved unanimously*

### 3. SBOH ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, WSBOH Executive Director, presented SBOH announcements and other board business. He introduced Wendy Janis, Health Impact Review Analyst. He then discussed the analysis of Mark Cooper's written testimony and Executive Order 07-01 related to health care commitments.

### 4. BOARD MEMBER COMMENTS AND CONCERNS

Dr. Ortiz, WSBOH Member, asked for an update on the openings on the Board. Mr. McLaughlin discussed recent efforts to fill the vacant positions. Mr. McLaughlin said a memo with recommendations has gone to the Governor. The Governor's staff expects a response soon. Member Crump asked for an update on Mel Tonasket and his wife's illness. Board members signed a greeting card for Mr. Tonasket.

### 5. REQUEST FOR RULE MAKING, REQUIRING PNEUMOCOCCAL VACCINE FOR CHILD CARE AND SCHOOL ENTRY, WAC 246-100-166

Acting Chair Shelton asked Tara Wolff, WSBOH Staff, to review a letter from Dr. Luber suggesting that proof of immunization against pneumococcus be required for children entering school and child care unless a parent or guardian claims an exemption. The Board is handling the request as a petition for rule making under RCW 34.05.330. Ms. Wolff explained that the pneumococcal antigen appears to meet the two initial assumptions that must be satisfied before the Board convenes a Technical Advisory Group (TAG). She explained that the Board could convene a TAG to apply the nine criteria against this antigen to consider its potential inclusion in WAC 246-100-166. Once it has the recommendations from the TAG, the Board could decide whether to initiate a process to consider amending the rule. She then shared information about the vaccine and pneumococcus. Member VanDusen asked if physicians offer the vaccine as an option to parents. Dr. Ortiz explained that it is her sense that most if not all physicians are offering the vaccine and said providers are seeing lower rates of chronic ear infections and sinusitis. Ms. Wolff explained that in 2005, 78.9% of Washington children aged 19-35 months had three doses of Prevnar and 51.8% had four doses. Board members discussed the recommended response to Mr. Luber's letter, which is to deny the request, and instead initiate the TAG to see if pneumococcus and the Prevnar vaccine meet the established criteria. The recommendation would then come back to the Board for consideration.

***Motion:** The Board denies the petition from Dr. Luber to initiate rule making at this time to require proof of pneumococcal immunization for all children entering school and childcare under WAC 246-100-166. However, the Board offers an alternative, which is to convene a Technical Advisory Group to apply the criteria outlined in "Immunization Advisory Committee: Criteria for Reviewing Antigens for Potential Inclusion in WAC 246-100-166 to the antigen for pneumococcus.*

***Motion/Second:** Crump/ VanDusen. Approved unanimously*

Member VanDusen asked how long it would take the TAG to develop a recommendation. Ms. Wolff said the process could take three to four months.

### 6. DEPARTMENT OF HEALTH UPDATE

Bill White, Deputy Secretary, Department of Health, discussed the rule development process. He stressed that the Board and the Department of Health (DOH) both work under the same set of rules. He announced the promotion of Michelle Davis, Assistant Director for Policy and Legislation. Ms. Davis introduced her replacement Andy Fernando, Regulatory Affairs Manager.

Mary Selecky, Secretary of Health and Board member, joined the meeting and provided additional updates on Department of Health activities. She discussed efforts to educate the public about ways

to stay safe during a power outage. She gave special recognition to the Seattle Times for a story covering carbon monoxide poisoning printed in several languages. In January, combination childhood vaccines will be available from the Department of Health warehouse. The American Lung Association recently released its rating for Washington State. Washington received a B grade because youth access laws do not require all cigarette sales be made from behind a counter. Funds for HPV and rotavirus vaccines are in the Governor's proposed budget. The Governor has committed \$10 million to address communicable diseases. A total of \$50 million has been committed to the tobacco prevention and control account. The Board will receive the State of the State address, in which the Governor emphasized that universal access to immunizations should be continued and said it would be a priority to make sure Puget Sound is "swimmable, fishable, and digable."

Secretary Selecky discussed the circumstances that led DOH to terminate an agreement with Kittitas County that had allowed the county to oversee Group B water systems. Member Crump asked about the process for terminating the relationship. Secretary Selecky described the process and said there is a joint operating agreement related to water system management. If this agreement is not followed, the Department of Health can terminate this agreement. The issue revolves around the county permitting some uses that were outside the purview of the operating agreement. Board members discussed the numbers of users on a Group B water systems and whether any small rural schools fit the Group B classification (they are Group A systems).

*The Board took a break at 10:01 a.m. and reconvened at 10:20 a.m.*

## **7. VISION SCREENING TASK FORCE REPORT**

Member Ortiz explained that this is a presentation required by Substitute House Bill 1951, which established a work group to address issues relating to vision screening for children attending public schools. She explained the three-point charge of the work group and described its membership. Tara Wolff, WSBOH Staff explained that the Office of Financial Management has not been approved the report. She mentioned that Gayle Thronson, Office of Superintendent of Public Instruction was in the audience and served on the work group. Ms. Beth Siemon, Department of Health, presented the report by telephone (see presentation, Tab 6).

Acting Chair Shelton asked about the difference between an eye examine and a screening. Ms. Siemon responded that an eye examine is performed by a physician with sophisticated tools and provides a definitive diagnosis. A screening is more rudimentary. It is a way of identifying kids that may need to be referred to a physician for an exam. Member VanDusen asked about the recommendation concerning vision screening prior to school attendance. Ms. Siemon said children should be screened at age three or four, before they enter school. According to the recommendation, if a child has not received a screening before entering school he or she would be screened in school. Mr. McLaughlin noted that the Board would not have authority to require screening prior to school attendance without a statutory change.

Member Crump asked for clarification on the screening provided to children. Ms. Siemon explained that the recommendations would add visual perception and color blindness to acuity and distance screening. He also asked about screening for children in special education. Member Manning asked about children whose screening indicates a problem but whose parents do not have resources. Ms. Siemon said school nurses help parents of these students access the resources they need. Member Manning asked how schools without a school nurse handle vision screening. Ms. Siemon said these schools contract out or use volunteers. Ms. Siemon reviewed what happens if a child fails the screening. She described some barriers to treatment and indicated that there is not much that can be

done without parent participation. Some children fall through the cracks, she said. Ms. Thronson explained the procedures to help children that need additional follow-up.

Member Ortiz called attention to the lack of standardization in vision testing nationwide and indicated that she felt the report addressed this issue and emphasized its benefits. She stressed the importance of early screening prior to school attendance and explained that this is an important theme of the report.

Member VanDusen highlighted the barriers to implementation described in the report. She wondered about the implications of requiring something that is difficult for schools to address. Member Selecky explained that this is a report to the Legislature that calls attention to the issues and barriers for their consideration. Mr. McLaughlin indicated that even without legislative action, there might be some issues raised in the report that could be addressed by a rule revision.

***Motion:*** *The Washington State Board of Health accepts the report “Visual Screening of Children in Public Schools – Final Report,” and endorses the recommendations it contains.*

***Motion/Second:*** *Crump/Manning Approved unanimously*

Discussion about the motion ensued. Member VanDusen suggested adding the phrase, “encourage removal of barriers” to implementation. Member Manning suggested the wording “further exploration of those barriers.” After further discussion, Member VanDusen moved to amend the motion as follows:

***Motion:*** *The Washington State Board of Health accepts the report “Visual Screening of Children in Public Schools – Final Report.”*

***Motion/Second:*** *VanDusen/Manning. Approved unanimously*

Mr. McLaughlin noted that staff understood this motion indicated support on the Board for the report’s recommendations.

## 8. LEGISLATIVE PREVIEW

Mr. McLaughlin provided an overview of some legislation lawmakers might introduce in the current session. Michelle Davis, DOH Assistant Director of Policy and Legislative Relations, described four potential DOH agency request bills. She noted the inclusion of \$4 million in the Governor’s budget to address on-site system problems. The environment is a priority for the Governor, she said. Children’s health issues are also a budget priority. Mr. McLaughlin mentioned the mandating HPV vaccinations might surface this session. One of the Governor’s pieces of request legislation is Z-1071, a children’s health access bill, he noted. It would create a seamless one-stop solution for providing health insurance coverage for children at 250 percent of the federal poverty level and below. Acting Chair Shelton commented that this is an excellent idea. Member Manning asked if culturally linguistic services have been considered. Mr. McLaughlin said there is nothing in the current draft. Secretary Selecky said this is part of the detail the Department of Health would address. Member Crump asked if the proposed agency request bill concerning registered counselors would establish a certification process. Secretary Selecky said they are moving toward full licensure.

## 9. STATEMENT OF BOARD POLICY ON POSSIBLE 2007 LEGISLATIVE ISSUES

Mr. McLaughlin noted that the Board has already seen an earlier draft version of the proposed statement. He explained that the release of the Governor’s budget had prompted changes in the wording related to public health financing. He also noted the removal of language opposing efforts

to move Board authority for regulating large on-site systems to DOH. This change was made at the recommendation of the Board's Environmental Health Committee. Acting Chair Shelton and Member VanDusen suggested a correction, which was to replace the term septic tanks with the term on-site systems. Member Crump discussed the children's preventative services bullet item and asked if it supports mental health services. Mr. McLaughlin said he believes it does but would follow up. Member Crump asked that support for the Puget Sound initiatives be included. Secretary Selecky suggested that this could be a statement to support the Governor's Puget Sound initiative. Acting Chair Shelton said more discussion about the entire human waste system, including sewage treatment plants, is needed. Secretary Selecky said one of the goals of the Governor's initiative was to open another 1,000 acres of shellfish beds to harvest. Mr. McLaughlin said he would develop language to add a bullet, with the Chair's approval, supporting the Puget Sound Partnership. Secretary Selecky suggested that the Board continue this discussion at a future meeting with presentations from DOH staff. Member Manning asked if the last sentence related to health disparities. Mr. McLaughlin said it did, and that the concept of health navigators is a specific item in the Governor's budget requested by Department of Social and Health Services. She said her comment was about adding a statement to support starting to remedy health disparities now and not wait until 2012 when the report to the Governor from the Health Disparities Council is due. Member VanDusen asked if hearing loss issues are included on our list related to children's health. Mr. McLaughlin said he thinks that it is included.

***Motion:** The Board adopts the Statement of Board Policy on Possible 2007 Legislative Issues as submitted on January 10, 2007 and authorizes the Chair to approve the addition of a bullet about Puget Sound.*

***Motion/Second:** Crump/Manning. Approved unanimously*

**10. (11) FOOD SERVICE RULE IMPLEMENTATION UPDATE, CHAPTER 246-215 WAC**

Acting Chair Shelton, introduced this topic. Ned Therien, WSBOH Staff, introduced the panel of speakers. Nancy Napolilli, Department of Health, described DOH efforts to implement the food rule. Consistent statewide implementation has been a major goal. She described a "working document" that combines the Board's food rule and the Food and Drug Administration's Food Code into a single document for easy reference. She said DOH revised the statewide inspection form and prepared guidance documents for local health inspectors. It also created brochures and presentations that local health jurisdictions could use to train food industry personnel. It developed "Code Clarification" guidance documents, distributed explanations of practices of food establishment chains, and started a quarterly newsletter to inform local health agency personnel and improve consistent implementation. The Food Safety Review Council is available to review and standardize rule interpretations, if needed. Last year, DOH developed a statewide protocol for training and standardizing local food inspectors. It started providing a three-day new food inspector training program. It re-instituted food safety workshops for local inspectors at regional locations. It planned the first "Farm to Fork" tabletop food safety exercise for February. It surveyed all 35 local health jurisdictions on food safety program needs. DOH has conducted these efforts in cooperation with industry and local health personnel.

Mr. Anthony Anton, President and CEO of the Washington Restaurant Association, said that during the past year implementation of the food rule has worked very well. He said training materials prepared by DOH have been a great help and the whole process should be a model for other agencies. DOH staff contributed articles for his association's newsletter. The training and informational materials have eliminated the phone calls he got at first from his membership regarding interpretation of the new rules. The key thing he will be watching is consistency in application. Complicated issues in the food code around sushi and frozen fish, which he expected to



be a huge concern for the industry, seem to have been resolved. He wants to continue the cooperative educational and outreach programs with DOH.

Ms. Jan Gee, President and CEO of the Washington Food Industry, said it has been truly a nice experience to work with Nancy and her team. The training DOH provided has made the transition very smooth. Two grocers participate on the Food Safety Review Council. The Council has not had to meet in the past year because DOH has been so responsive in preparing and distributing interpretive guidelines. She suggests using the Council to help build relationships and trust between stakeholders. She also suggested using the Council to address shellfish tank issues. She said that the only issue of concern to her organization is the requirement that within five years all refrigerators hold 41 degrees. She is monitoring that issue. She also said she was enthusiastic about planning for the Farm to Fork tabletop exercise.

Tony Barrett, Environmental Health Director, Lewis County Public Health, said he was representing the state's environmental health directors. He recommended keeping the Food Safety Review Council active. He said implementation of the food rule has worked very well because of the partnership between local health, DOH, and the food industry. Interpretations, technical assistance, and outreach materials prepared by DOH have been very helpful. DOH training sessions have been well attended and well received, especially new inspector training. He said continuing needs include improving ability to commute effectively with diverse cultures. He said there is a need to continue addressing inspector standardization. He would like DOH to take the lead in developing Web-based food handler training.

Secretary Selecky talked about a visit to Island County many years ago where Keith Higman requested more participation by DOH to train local staff. The report today is rewarding, she said, and working with industry can help us a lot. Member Manning applauded the efforts of everyone working together for the public's benefit. She said she is excited about Web-based training programs. Member VanDusen shared that one of her staff recently attended DOH's new inspector training and commented that this was the best training program ever attended. Ms. Napolilli introduced members of her staff: Dave Gifford, Joe Graham, and Steven Fuller.

*The Board recessed for lunch at 12:15 p.m. and reconvened at 12:55 p.m.*

## **11. (10) RECOGNITION OF THE CONTRIBUTIONS OF DR. KIM MARIE THORBURN TO THE STATE BOARD OF HEALTH**

Acting Chair Mike Shelton read into the record a proposed resolution to honor Dr. Kim Thorburn for her service as Chair of the Board (see resolution on file).

***Motion:** Approve the resolution as submitted.*

***Motion/Second:** VanDusen/Manning. Approved unanimously*

## **12. PUBLIC TESTIMONY**

Acting Chair Shelton read public testimony submitted (via email) by Nancy Farrell, citizen, requesting a ban against serving trans-fats in restaurants, bars, and public places in Washington State. She asked that the ban to be similar to the one recently instituted in New York City.

### 13. PH:ARM (PHARMACEUTICALS FROM HOUSEHOLDS: A RETURN MECHANISM) – LETTER OF SUPPORT REQUEST

Member VanDusen explained that the Board has a policy for responding to requests for letters of support, and that it had received a request from a consortium of agencies, including the Department of Ecology, to support a pilot project for collecting unused pharmaceuticals from households and residential care facilities. This project is called Pharmaceuticals from Households: A Return Mechanism (PH:ARM). The group is asking for a letter of support from the Board for a waiver from the US Drug Enforcement Administration (DEA) to allow collection of controlled drugs in this project. Mr. Therien, described the documents in the Board packet behind Tab 13 and introduced Emma Johnson, Department of Ecology, participating by speakerphone. He also introduced Stan Jeppesen, Board of Pharmacy staff, sitting at the presentation table. Ms. Johnson explained the pilot program. She said unused medications present a public health hazard through poisoning of children, abuse by teens, and errors by the elderly. Even when disposed properly, they are showing up in the environment, drinking water, and animal tissue samples. She described an exciting opportunity to visit British Columbia to review their local “take back” program involving over 800 pharmacies. Group Health Cooperative started the pilot program at seven sites. If the program were launched statewide, an estimated 100,000 pounds of waste medications per year could be collected. She said that an easy return program could not include controlled substances without a DEA waiver.

Member Ortiz asked if other states administered similar programs. Mr. Jeppesen said no. Member VanDusen asked what concerns the DEA might have. There are a number of people in the DEA who would like to see the program tried, said Mr. Jeppesen; however, the program would violate current DEA rules. Deputy Secretary White asked what is sustaining the pilot program. Mr. Jeppesen stated it is funded for two years through grants from private organizations and there have been in-kind contributions from government organizations. Deputy Secretary White noted that unintentional poisoning from household pharmaceuticals is killing more people than murder or suicide. Mr. Jeppesen responded to questions from Board members about pollution of land-locked water bodies, the secure handling of returned pharmaceuticals, air pollution resulting from incineration, and the involvement of law enforcement in collecting and handling returned materials. Acting Chair Shelton asked if there is reason to believe the DEA will give this waiver. Mr. Jeppesen said yes, if there is strong Washington State support. Member Manning talked about the large number of medications taken by older people and not all of these products are used if prescriptions change or the person dies. She stated that if a program is not convenient, it will not be used. Mr. Jeppesen agreed that convenience is very important. Consumers want to return medications to the locations where they were purchased.

***Motion:** The Board authorizes its Executive Director to prepare a letter for the Chair’s signature that would support a limited Drug Enforcement Administration waiver to allow expansion of Pharmaceuticals from Households: a Return Mechanism.*

***Motion/Second:** Crump/ VanDusen. Approved unanimously*

### 14. (12) PUBLIC TESTIMONY CONTINUED

Kathy O’Toole, Washington Education Association, Environmental Health Coordinator, commented on the analysis by Mr. Therien of Mark Cooper’s written testimony to the Board in October 2006. She said WEA is supportive of an appeals process for when the local government is not responsive. She said WEA supports the recommendations of the Board’s Environmental Health Committee for working with other agencies to advance this issue. She offered assistance in promoting this concept through the legislative process.

**15. ORIENTATION TO PARTNERSHIP – DOH/SBOH RELATIONS TRAINING**

Mr. McLaughlin introduced the training session. Mr. Sam Magill, Magill and Associates, explained the agenda and focus of the training. He presented the training materials (on file).

Acting Chair Shelton adjourned the meeting at 3:38 p.m.

**WASHINGTON STATE BOARD OF HEALTH**

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The Honorable Mike Shelton, Acting Chair